

ROBERT H. BRAVER, for himself )  
and all individuals similarly situated, )  
 )  
Plaintiff, )  
 )  
-vs- ) Case No. CIV-17-0383-F  
 )  
 )  
NORTHSTAR ALARM SERVICES )  
LLC, and YODEL TECHNOLOGIES )  
LLC, et al., )  
 )  
Defendants.

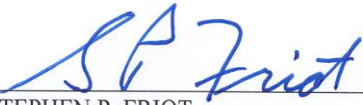
## ORDER

The court is in receipt of Defendant Yodel Technologies LLC’s notice entitled “Suggestion of Bankruptcy and Automatic Stay,” filed January 23, 2020. Doc. no. 226.

The notice advises that on January 23, 2020, defendant Yodel Technologies LLC commenced a bankruptcy proceeding in the United States Bankruptcy Court for the Middle District of Florida by filing a voluntary petitions for relief under Chapter 11 of Title 11 of the United States Code, 11 U.S.C. § § 101-1532 *et seq.* The action of plaintiff Robert H. Braver for himself and all individuals similarly situated against defendant Yodel Technologies LLC is therefore stayed pursuant to 11 U.S.C. § 362.

While section 362 extends stay provisions of the Bankruptcy Code to the “debtor,” the rule followed in the Tenth Circuit and by the majority of other circuits is that the stay provision does not extend to the debtor’s co-defendants. *See, Fortier v. Dona Anna Plaza Partners*, 747 F.2d 1324, 1330 (10<sup>th</sup> Cir. 1984). A narrow exception to this rule has been recognized, *see, A.H. Robins Co., Inc. v. Piccinin*, 788 F.2d 994, 999 (4<sup>th</sup> Cir.), *cert. denied*, 479 U.S. 876 (1986), but there is no indication in the notice that the remaining defendants would fall within the exception. Therefore, until otherwise notified, plaintiffs’ action continues as against the remaining defendant NorthStar Alarm Services LLC.

IT IS SO ORDERED this 24<sup>th</sup> day of January, 2020.

  
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STEPHEN P. FRIOT  
UNITED STATES DISTRICT JUDGE